

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DARRYL GATLIN,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	1:12-CV-0953-AT
v.)	
)	
CITIMORTGAGE, INC., CITIBANK,)	
N.A., and WILMINGTON TRUST)	
COMPANY, both acting as trustees for)	
MORTGAGE PASS-THROUGH)	
CERTIFICATES SERIES 2003-36XS)	
TRUST,)	
)	
Defendants.)	
_____)	

MOTION TO RECONSIDER ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS AND FOR LEAVE TO AMEND COMPLAINT

COMES NOW, Plaintiff Darryl Gatlin, by and through his undersigned counsel of record, and files this his Motion to Reconsider this Court's Order granting Defendant's Motion to Dismiss and for Leave to Amend his Complaint pursuant to LR 7.2(E) and Fed. R. Civ. P. 60(b). In support hereof, Plaintiff has filed a Memorandum of Law contemporaneously herewith. Plaintiff has also attached an Amended Complaint as an exhibit to said Memorandum of Law.

WHEREFORE, Plaintiff moves the Court for the following relief:

- (1) That it vacate and set aside its Order Granting Defendants' Motion to Dismiss;

- (2) That it grant Plaintiff's request for leave to amend his Complaint;
- (3) That it reinstate Plaintiff's case and direct the Clerk to re-open the case;
- (4) That it require Defendants to file responsive pleadings to Plaintiff's Amended Complaint; and
- (5) For such other and further relief as this Honorable Court deems just and proper.

Respectfully submitted this 23rd day of October, 2012.

/s/ William J. Smith
William J. Smith
Georgia Bar No. 710280
ATTORNEY FOR PLAINTIFF
DARRYL GATLIN

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FONT AND POINT CERTIFICATION

The undersigned counsel for Plaintiff hereby certify that the within and foregoing **MOTION TO RECONSIDER ORDER GRANTING DEFENDANTS' MOTION TO DISMISS AND FOR LEAVE TO AMEND COMPLAINT** was prepared using Times New Roman, 14-point font in accordance with LR 5.1(B).

This the 23rd day of October, 2012.

/s/ William J. Smith
William J. Smith
Georgia Bar No. 710280
ATTORNEY FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of October , 2012, served all parties in this matter with the foregoing **MOTION TO RECONSIDER ORDER GRANTING DEFENDANTS' MOTION TO DISMISS AND FOR LEAVE TO AMEND COMPLAINT** by United States Mail, postage pre-paid, in a properly addressed envelope to:

Sarah Tope Reise
Christopher J. Willis
Ballard Spahr-Atl
999 Peachtree Street
Atlanta, GA 30309-3915

/s/ William J. Smith
William J. Smith
Georgia Bar No. 710280
ATTORNEY FOR PLAINTIFF
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